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PTO/SB/50 (02-01)

Approved for use through 01/31/2004. OMB 0651-0033

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REISSUE PATENT APPLICATION TRANSMITTAL

Address to:

Assistant Commissioner for Patents
Box Reissue
Washington, DC 20231

Attorney Docket No.

STOCOM P05AUSRI

First Named Inventor

Andras SARKOZY et al.

Original Patent Number

5,893,919

Original Patent Issue Date
(Month/Day/Year)

April 13, 1999

Express Mail Label No.

1

APPLICATION FOR REISSUE OF:

(Check applicable box)



Utility Patent



Design Patent



Plant Patent

APPLICATION ELEMENTS (37 CFR 1.173)

1. ☒ Fee Transmittal Form (PTO/SB/56)
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification and Claims in double column copy of patent
format (amended, if appropriate)
4. ☒ Drawing(s) (proposed amendments, if appropriate)
5. ☒ Reissue Oath/Declaration (original or copy)
(37 C.F.R. § 1.175) (PTO/SB/51 or 52) (unsigned)
6. ☐ Power of Attorney
7. Original U.S. Patent currently assigned? ☒ Yes ☐ No
(If Yes, check applicable box(es))
☒ Written Consent of all Assignees (PTO/SB/53)
☒ 37 C.F.R. § 3.73(b) Statement
(PTO/SB/96)
8. ☐ CD-ROM or CD-R in duplicate, Computer Program (Appendix)
or large table
9. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all of the following are necessary)
 - a. ☐ Computer Readable Form (CFR)
 - b. Specification Sequence Listing on:
 - i ☐ CD-ROM (2 copies) or CD-R (2 copies); or
 - ii ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

10. ☐ Statement of status and support for all changes
to the claims. See 37 CFR 1.173 (c).
11. ☐ Original U.S. Patent for surrender
☐ Ribbioned Original Patent Grant
☐ Statement of Loss (PTO/SB/55)
12. ☐ Foreign Priority Claim (35 U.S.C. 119)
(if applicable)
13. ☐ Information Disclosure
Statement (IDS)/PTO-1449 ☐ Copies of IDS
Citations
14. ☐ English Translation of Reissue Oath/Declaration
(if applicable)
15. ☒ Preliminary Amendment
16. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
17. Other:

18. CORRESPONDENCE

PATENT & TRADEMARK OFFICE



Customer Number or Bar Code Label



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Michael J. Byjold

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32,018

Signature

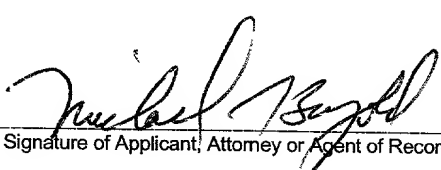
Michael J. Byjold

Date

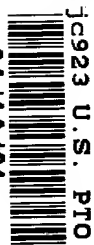
4/12/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Reissue, Washington, DC 20231.

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REISSUE APPLICATION FEE TRANSMITTAL FORM						Docket Number (Optional) STOCOM P05AUSRI		
Claims as Filed - Part 1								
Claims in Patent		Number Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity		
				Rate	Fee	Rate	Fee	
(A) 10	Total Claims (37 CFR 1.16(j))	(B) 10	**** 0 =	x \$ 0 =	0	or	x \$ =	
(C) 4	Independent claims (37 CFR 1.16(i))	(D) 4	* 0 =	x \$ 0 =	0		x \$ =	
Basic Fee (37 CFR 1.16(h))							\$ 355	\$
Total Filing Fee						\$ 355	OR \$	
Claims as Amended - Part 2								
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
					Rate	Fee	Rate	Fee
Total Claims (37 CFR 1.16(j))	*** 34	MINUS	** 20	* = 14	x \$ 9 =	126	x \$ =	
Independent Claims (37 CFR 1.16(i))	*** 8	MINUS	***** 3	= 5	x \$ 40 =	200	x \$ =	
Total Additional Fee						\$ 326	OR \$	
<p>* If the entry in (D) is less than the entry in (C), Write "0" in column 3.</p> <p>** If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.</p> <p>*** After any cancellation of claims.</p> <p>**** If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20).</p> <p>***** "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).</p>								
<p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____. A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. <u>04-0213</u>. A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> A check in the amount of \$ <u>681</u> to cover the filing / additional fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p>								
<p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>								
<p><u>4/12/01</u> Date</p>				<p> Signature of Applicant, Attorney or Agent of Record</p> <p><u>Michael J. Bujold</u> Typed or printed name</p>				

04/12/01



Jc923 U.S. PTO

04/11/01

PATENT REGISTRATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

J1040 U.S. PTO

09/832812



In re Application of : Andras SARKOZY, John O'BRIEN and Gregory FLYNN
Patent No. : 5,893,919
Dated : April 13, 1999
Serial no. : 08/721,090
Filed : September 27, 1996
For : APPARATUS AND METHOD FOR STORING DATA WITH SELECTABLE DATA PROTECTION USING MIRRORING AND SELECTABLE PARITY INHIBITION
Group Art Unit : 2751
Examiner : Hong Kim
Docket : STOCOM P05AUSRI

BOX REISSUE

The Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

NOTICE OF LITIGATION

Dear Sir:

Enclosed for filing are the following papers relating to the application for a broadening reissue of United States Patent No. 5,893,919 entitled, APPARATUS AND METHOD FOR STORING DATA WITH SELECTABLE DATA PROTECTION USING MIRRORING AND SELECTABLE PARITY INHIBITION, Andreas SARKOZY, John O'BRIEN and Gregory FLYNN, inventors:

- (1) Reissue Application Transmittal - 2pgs;
- (2) Specification - 13pgs, including face page of issued patent;
- (3) Unexecuted Declaration and Power of Attorney - 4pgs;
- (4) Formal Drawings -7 sheets;
- (5) Assent to Application for Reissue and Offer to Surrender - 2pgs;
- (6) Certificate under 37 C.F.R. § 3.73(b) - 2pgs and Copy of Recorded Assignment Documents - 3pgs;
- (7) Check in the amount of \$681.00 to cover the filing fee of the Reissue Application as well as the costs of the additional claims; and
- (8) Preliminary Amendment - 8pgs.

09832812-041201

5,893,919

NOTICE OF LITIGATION

United States Patent No. 5,893,919 is the subject of a complaint for Patent Infringement filed on March 22, 2001 by Plaintiff, Storage Computer Corporation, against defendant, Xiotech Corporation and Seagate Technology, Inc. in the United States District Court for the Northern District of Texas, Civil Action No. 3-01CV0555-M.

While there is concurrent litigation related to this reissue application, the Applicants request that action in this reissue application not be stayed and that this reissue application be examined at this time.

All correspondence is to be directed to the Applicant's attorneys address listed below.

Respectfully submitted,


Michael J. Bujold, Reg. No. 32,018

Customer No. 020210

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Andras SARKOZY, John O'BRIEN and
Gregory FLYNN

Reissue Application for reissue of U.S.
Patent 5,893,919, Issued: April 13, 1999

For: APPARATUS AND METHOD FOR
STORING DATA WITH SELECTABLE
DATA PROTECTION USING
MIRRORING AND SELECTABLE
PARITY INHIBITION

Reissue Serial No.: Not yet assigned

Filed: Concurrently

Group Art Unit: Unknown

Docket No.: STOCOM.P05AUSRI

Examiner: Unknown

Assistant Director
for Patents

Washington, D.C. 20231

**ASSENT TO APPLICATION FOR REISSUE OF U.S. PATENT NO. 5,893,919
AND OFFER TO SURRENDER U.S. PATENT 5,893,919**

Pursuant to 37 C.F.R. § 1.172, Storage Computer Corporation, as assignee of the entire right, title and interest in and to U.S. Patent 5,893,919, entitled APPARATUS AND METHOD FOR STORING DATA WITH SELECTABLE DATA PROTECTION USING MIRRORING AND SELECTABLE PARITY INHIBITION, hereby assent to the Application for Reissue of U.S. Patent No. 5,893,919, issued April 13, 1999.

Pursuant to 37 C.F.R. § 1.178, assignee, Storage Computer Corporation, hereby offers to surrender U.S. Patent 5,893,919 upon notification of the allowability of said Application for Reissue.

Docket No.: STOCOM P05AUSRI

A certificate under 37 C.F.R. § 3.73(b) is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.

I am authorized to act on behalf of the assignee.

STORAGE COMPUTER CORPORATION

Name of Assignee:

Edward A. Gardner, PRESIDENT Date: April 11, 2001

Signature of person signing for assignee:

EDWARD A. GARDNER, PRESIDENT

Printed name and title of person signing for assignee:

10240-233300

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Applicants: Andras SARKOZY, John O'BRIEN and Gregory FLYNN

U.S. Patent No. 5,893,919

Issue Date: April 13, 1999

Entitled: APPARATUS AND METHOD FOR STORING DATA WITH
SELECTABLE DATA PROTECTION USING MIRRORING
AND SELECTABLE PARITY INHIBITION

Name of Assignee: STORAGE COMPUTER CORPORATION, a corporation,

states that it is the assignee of the entire right, title, and interest in the patent application/patent identified above by virtue of a chain of title from the inventors, of the patent application/patent identified above, to the current assignee as shown below:

1. From: Andras SARKOZY
To: STORAGE COMPUTER CORPORATION
The document was recorded in the Patent and Trademark Office on
Reel 8374 , Frame 0492 , for which a copy thereof is attached.
2. From: John O'BRIEN
To: STORAGE COMPUTER CORPORATION
The document was recorded in the Patent and Trademark Office on
Reel 8374 , Frame 0492 , for which a copy thereof is attached.
3. From: Gregory FLYNN
To: STORAGE COMPUTER CORPORATION
The document was recorded in the Patent and Trademark Office on
Reel 8374 , Frame 0492 , for which a copy thereof is attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Docket No.: STOCOM P05AUSRI

Pursuant to requirements of 37 C.F.R. §1.68, I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: APRIL 11, 2001

Title: PRESIDENT

Typed or printed name: EDWARD A. GARDNER

Signature: Edward A. Gardner, PRESIDENT

09333-0430
F0270-2182860